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OFFICE OF GENERAL
COUNSEL

15 May, 2012

Mr. Jeff S. Jordan
Supervisory Attorney
Complaints Examination and Legal Administration
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Dear Mr. Jordan:

Reference: MUR 6548

Thank you for your letter of 11 April, and for the opportunity to address the allegations made by Mr. Hugh Shine.

There is, in fact, a gun raffle sponsored by one of the candidate's campaign supporters. There has been, however, no "corporate support" as alleged by Mr. Shine.

All raffle tickets have been sold to individuals who support Eric Klingemann in his race against incumbent Representative John Carter.

Proceeds from the raffle will be used to ***purchase*** from GUNS+ of Georgetown, Texas all of the guns to be awarded to the raffle winner(s). There is no In-kind donation from GUNS+, nor from any other corporation.

The remaining funds from the raffle will become campaign donations to the EricForTexas campaign, and will be properly reported in accordance with FEC regulations.

Raffle funds during the period of ticket sales are held separately from campaign funds. These funds will be refunded in the event the raffle is unable to sell the tickets.

As campaign treasurer, I spoke with my FEC assigned advisor prior to filing the Q1-2012 FEC Form 3 to ascertain the appropriateness of holding these funds apart from the campaign until the raffle completes the sale of tickets and uses the raffle proceeds to purchase the guns. At that time, the remaining funds will be given to the EricForTexas campaign.

Mr. Shine alleges that "any public communication made by a political campaign must display a disclaimer." The raffle has never been advertised in any media, nor has it been a "public communication" by the campaign. The e-mail to which Mr. Shine refers was sent to friends and family.

Each person who has contributed is completely aware that their name and personal information has been collected as part of the raffle process, and that the raffle is intended to provide funds to the EricForTexas campaign.

Mr. Shine is concerned that the campaign may run afoul of IRS notice requirements. You may rest assured, Mr. Jordan, that the campaign is in no danger of exceeding "gross annual receipts" of \$100,000 either with or without the gun raffle.

In his complaint, Mr. Shine complains about the use of "21 corporate logos and also the name of GUNS+" in the raffle flyer describing the guns to be raffled off.

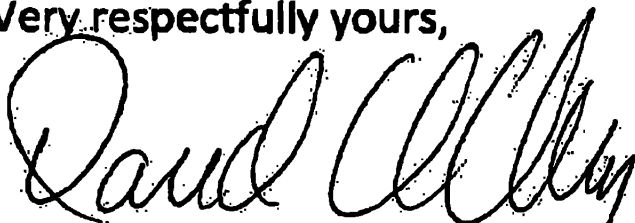
This seems to be a particularly curious allegation for two reasons: (1) none of the gun manufacturers listed are providing any support in any form to this raffle, and their logos were used innocently in an effort to show potential raffle ticket purchasers the quality of guns that would be awarded; and (2) the candidate on whose behalf Mr. Shine has filed this complaint, John Carter (D-31 Texas) used the occasion of the release of the Disney movie "John Carter" to speak at the movie's premiere in Taylor, Texas. Should we infer from that appearance that Mr. Carter is using the Disney brand to further his campaign?

I respectfully suggest to you, Mr. Jordan, that the complaint and the allegations it contains are baseless, and nothing more than an attempt by Congressman Carter to destroy the first legitimate primary challenge he has faced to date.

I would respectfully request that complaint MUR # 6548 be dismissed with prejudice.

Thank you in advance for your careful consideration of this matter.

Very respectfully yours,

A handwritten signature in black ink, appearing to read "David Oberg", written over the typed name.

David Oberg

Treasurer

EricForTexas Campaign

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